

**FILED**

**United States District Court  
Northern District of California**

DEC 20 2004

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA  
v.  
BAYER AG**

**JUDGMENT IN A CRIMINAL CASE**  
(For Organizational Defendants)

Case Number: CR04-0235 MJJ

Phil Proger  
Defendant Organization's Attorney

**THE DEFENDANT ORGANIZATION:**

ENTERED IN CRIMINAL DOCKET

- ☒ pleaded guilty to count(s): 1 of the Information.  
☐ pleaded nolo contendere to count(s) \_\_\_ which was accepted by the court.  
☐ was found guilty on count(s) \_\_\_ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s).

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
15 U.S.C. 1 Sherman Act	Conspiracy to Maintain & Increase Prices of Certain Rubber Chemicals.	3/15/2004	1

The defendant organization is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant organization has been found not guilty on count(s) \_\_\_\_.
- ☐ Count(s) \_\_\_\_ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant organization shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization shall notify the court and United States attorney of any material change in the organization's economic circumstances.

Defendant Organization's Federal Employer I.D.: **98-0079151**

Defendant Organization's Principal Business Address:  
**51368-Leverkusen, Germany**

Defendant Organization's Mailing Address:  
**51368-Leverkusen, German**

12/9/2004

Date of Imposition of Judgment

  
Signature of Judicial Officer

Honorable Martin J. Jenkins, U. S. District Judge  
Name & Title of Judicial Officer

12/16/2004  
Date



DEFENDANT: BAYER AG  
CASE NUMBER: CR04-0235 MJJ

Judgment - Page 2 of 3

## CRIMINAL MONETARY PENALTIES

The defendant organization shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 400.00	\$ 66,000,000.00	\$ n/a

☐ The determination of restitution is deferred until \_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
<u>Totals:</u>	\$ _	\$ _	

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ \_

☐ The defendant organization shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payment Page, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 United States Code for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BAYER AG  
CASE NUMBER: CR04-0235 MJJ

## SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of **\$400.00** due immediately, balance due  
☒ not later than **15 days after entry of judgment**, or  
☐ in accordance with ( ) C, ( ) D, or ( ) E below; or
- B ☐ Payment to begin immediately (may be combined with ( ) C, ( ) D, or ( ) E below); or
- C ☐ Payment in \_\_\_\_ (e.g. equal, weekly, monthly, quarterly) installments of \$ \_ over a period of \_\_\_\_ (e.g., months or year(s)), to commence \_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in \_\_\_\_ (e.g. equal, weekly, monthly, quarterly) installments of \$ \_ over a period of \_\_\_\_ (e.g., months or year(s)), to commence \_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary penalties are made to the clerk of court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number  
(including Defendant  
Number)

Defendant Name

Joint and Several  
Amount

- ☐ The defendant organization shall pay the cost of prosecution.
- ☐ The defendant organization shall pay the following court cost(s):
- ☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States: